

### Remarks

This paper responds to the Office Action mailed April 28, 2008.

Claims 1-7, 11-17 and 23-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Way et al (US 7,003,231 B2) in view of Stuart (US 7,218,850 B2).

The Examiner asserts that, although Way does not disclose the subcarrier reference generator being arranged to compensate for degradations in the generated reference signals by averaging a number of estimates derived from different inputs, said distinguishing feature is disclosed by Stuart. The applicants respectfully disagree with this assertion for the following reasons.

Firstly, Stuart is only concerned with determining noise, there is no suggestion or incentive to lead a skilled person to consider Stuart, especially when considering compensation of subcarrier reference signals.

Nevertheless, even if, purely for the sake of argument only, the skilled person was to consider Stuart, the claimed invention would not have been obvious since Stuart does not disclose the distinguishing features of the invention.

Stuart does not disclose a subcarrier reference generator arranged to compensate for degradation in the generated reference signals. As explained in the paragraph bridging columns 6 and 7 of Stuart, the phase of the local oscillator is adapted to be optimized such that the signal power is purely in one of the I and Q output paths. Thus, the generator of the subcarrier reference (local oscillator) in Stuart is adapted to minimize the power measure in the noise output path, it is not adapted to compensate for degradation in the generated subcarrier reference.

Furthermore, contrary to the Examiner's assertion, Stuart does not disclose the subcarrier reference generator compensating for degradations in the generated

reference signals by averaging a number of estimates derived from different inputs. The only averaging shown in Stuart is carried out on the I and Q outputs of the demodulating circuit 210. There is no averaging of estimates to derive a signal which compensates for degradations in the reference signals.

Hence, the combination of Way and Stuart would not, and could not, be made in order to develop the claimed invention in a straightforward manner. Claim 1 would therefore not have been obvious in view of Stuart.

#### Other matters

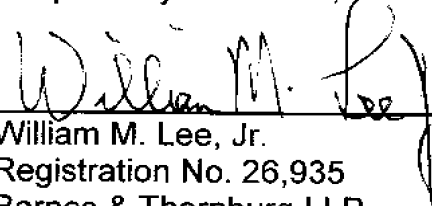
Claims 10-14 and 21-22 have been cancelled. It is submitted that deletion of these claims attends the objections raised under 37 CFR 1.83(a) and the rejections raised under 35 U.S.C. 112 and 35 U.S.C 102(e).

#### Conclusion

Claim 1 is submitted to be allowable in view of the cited prior art. All remaining claims are dependent from claim 1, or have corresponding distinctive features found in claim 1, and are therefore submitted to be allowable for the same reasons as claim 1. Accordingly, all points raised by the Examiner have been addressed. Favorable reconsideration is respectfully requested.

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Respectfully submitted,



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